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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/623,156

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Joseph Pohutsky

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EXAMINER

SHEDRICK, CHARLES TERRELL

ART UNIT

PAPER NUMBER

2617

MAIL DATE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/623,156	<b>Applicant(s)</b> POHUTSKY ET AL.	
	<b>Examiner</b> CHARLES SHEDRICK	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-14 and 16-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-14 and 16-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1-3, 10-13, 19-22, 23-25, 26-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Timmins US Patent No.: 6,816, 580 in view of Whittington US Patent 6,131,028.

Consider **claims 1, 11, 20, 23, 26 and 29**, Timmins teaches a method of providing information in a wireless network, comprising:  
receiving an information telephone call from a subscriber device (**i.e., connect a user to a information assistance provider - col. 2 lines 18-34 and col. 3 line 60- col. 4 lines 10**), said information telephone call comprising dialed digits "4-1-1" suffixed by at least one auxiliary digit (**e.g., 411xx - col. 2 lines 18-34 and col. 3 line 60- col. 4 lines 10**).

Timmins does not specifically teach querying a location-based wireless service in response to said information telephone call to automatically obtain a current location of said subscriber device; retrieving a location based message associated with said obtained current

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location and selected using said at least one auxiliary digit and transmitting said retrieved location based message to said subscriber device.

In analogous art, Whittington teaches querying a location-based wireless service in response to said information telephone call to automatically obtain a current location of said subscriber device(e.g., **at least the abstract and col. 2 lines 2-5 indicates a method of providing services to a wireless telephone subscriber based upon the geographic location of the wireless telephone unit...in response to receiving the feature code, the method sends a query to a location finding service for the current location of the wireless telephone unit**); retrieving a location based message associated with said obtained current location and selected using said at least one auxiliary digit and transmitting said retrieved location based message to said subscriber device(**i.e., the feature code and the telephone number are received by the MSC as an incoming call as noted in at least col. 3 lines 36-37. the method may be used for providing location based services to wireless subscribers based upon there current location. Examples of such location based services would be the retrieving of the provisioned information from restaurants, hotels, or automobile repair or service facilities based on the subscriber's current location as outlined in at least col. 4 lines 53-65**).

Therefore, it would have been obvious to person of ordinary skill in the art at the time the invention was made to modify Timmins to include querying a location-based wireless service in response to said information telephone call to automatically obtain a current location of said subscriber device; retrieving a location based message associated with said obtained current location and selected using said at least one auxiliary digit and transmitting said retrieved location based message to said subscriber device for the purpose of providing

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location services. Timmins teaches using suffixed digits appended to a information telephone number. Whittington teaches where appended digits are used to provide location based services. Therefore, it is further that one of ordinary skill in the art would have arrived at predictable results by the combining known methods in the art.

Consider **claims 2, 12, 24, 27 and 30 and as applied to claims 1, 11, 20, 23, 26 and 29**, Timmins as modified by Whittington teaches wherein at least two auxiliary digits are suffixed to said end of said dialed digits "4-1-1" telephone number(e.g., **411xx - col. 2 lines 18-34 and col. 3 line 60- col. 4 lines 10**).

Consider **claims 3, 13 ,22, 25, 28 and 31 and as applied to claims 1, 11, 20, 23, 26 and 29**, Timmins as modified by Whittington teaches wherein: said information telephone call is initiated with said dialed digits "4-1-1"(e.g., **information assistance 411 suffixed by xx - col. 2 lines 18-34 and col. 3 line 60- col. 4 lines 10**).

**Regarding claims 10 and 19 and as applied to claims 1 and 11**, Timmins disclose the claimed invention except a method of providing location-based reference information in a wireless network according to claim 11, wherein: said current location of said subscriber is determined using a known location of a cell/sector servicing said subscriber.

In the same field of endeavor, Whittington teaches wherein: said location of said subscriber is determined using a known location of a cell/sector servicing said subscriber **(column 4 line 60-65)**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Timmins to include said location of said subscriber is

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determined using a known location of a cell/sector servicing said subscriber as taught by Whittington for the purpose of establishing a point of reference in terms of location services.

4. Claims **4, 7-9, 14, 17-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Timmins US Patent No.: 6,816, 580 in view of Whittington US Patent 6,131,028 and further in view of Bar et al. (US 6,456,852).**

Regarding **claims 4, 8, 9,14,17 and 18 and as applied to claims 1 and 11**, Timmins as modified by Whittington clearly disclose the claimed invention except teaching that the subscriber can be located using, time difference of arrival, and time of arrival.

However, in the same field of endeavor, Bar et al. teach that the subscriber can be located using time difference of arrival (**Col. 3 line 47**), and time of arrival (**Col. 3 line 46**).

Therefore it would have been obvious to a person at the time the invention was made to modify Timmins as modified by Whittington as modified by Degraeve to include, time difference of arrival, and time of arrival as taught by Bar et al. for the purpose of location services.

**Regarding claim 7 and as applied to claim 1 above**, Timmins as modified by Whittington clearly disclose the claimed invention except teaching that the location is determined by using a network generated Location based on a centroid of a cell site sector's radio frequency polygon.

However, in the same field of endeavor, Bar et al. teaches that location determined by using a network generated Location based on a centroid of a cell site sector's radio frequency polygon (**Col. 3 Lines 25-35**).

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Therefore it would have been obvious to a person at the time the invention was made to modify Timmins as modified by Whittington to include a location determined by using a network generated Location based on a centroid of a cell site sector's radio frequency polygon as taught by Bar et al. for the purpose of location services.

5. Claims **6 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Timmins US Patent No.: 6,816, 580** in view of **Whittington U.S. Patent No.: 6,131,028** and further in view of Tell et al. (US Patent No.: 5,774, 802).

Regarding **claims 6 and 16 and as applied to claims 1 and 11** above, Timmins and Whittington combination teaches all the particulars of the claims except locating the subscriber using angle of arrival.

However, Tell teaches locating a wireless device using angle of arrival (**col. 5 lines 50-55**) .

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Tell into that of the combination for the obvious reason of having another way to locate the subscriber.]

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles Shedrick/  
Examiner, Art Unit 2617

/LESTER KINCAID/  
Supervisory Patent Examiner, Art Unit 2617